

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LEXINGTON INSURANCE COMPANY, as  
subrogee of The Lauridsen Group, Inc.;

Plaintiff,  
vs.

ADVANCE SERVICES, INC.,  
Defendant.

8:17CV296

AMENDED ORDER SETTING  
FINAL SCHEDULE FOR  
PROGRESSION OF CASE

This matter comes before the Court on the Joint Motion to Amend Case Progression Order ([Filing No. 42](#)). After review of the motion, the Court finds it should be granted. Accordingly,

**IT IS ORDERED** that the Joint Motion to Amend Case Progression Order ([Filing No. 42](#)) is granted, and the earlier progression order is amended as follows:

1. **Motions to Dismiss and Motions for Summary Judgment.** Motions to Dismiss and/or Motions for summary judgment shall be filed not later than **October 30, 2018**. *See* NECivR [56.1](#) and NECivR [7.1](#).

2. **Discovery Deadlines:**

- a. **Deposition Deadline.** All depositions, whether or not they are intended to be used at trial, shall be completed by **October 1, 2018**.
- b. **Discovery Motions.** Discovery motions shall be filed not later than **July 15, 2018**, as to matters which are then ripe for decision; discovery matters arising after that date may be the subject of motions until the deposition deadline. Counsel are reminded of the provisions of NECivR [7.1](#)(i). Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference to discuss the parties' dispute.

3. **Disclosure of Expert Witnesses.<sup>1</sup>** Each plaintiff, counter-claimant, and cross-claimant shall identify expert witnesses and shall serve expert reports by **June 22, 2018**. Each defendant, counter-defendant, and cross-defendant shall identify expert witnesses and shall serve

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<sup>1</sup> A treating physician must be identified pursuant to [Fed. R. Civ. P. 26\(a\)\(2\)\(A\)](#), but a treating physician is not deemed to be "retained or specially employed to provide expert testimony in the case" so as to require a written report under [Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#).

expert reports by **July 23, 2018**. If necessary to refute the disclosed opinions of an expert witness of an opponent, a plaintiff, counter-claimant, or cross-claimant may disclose additional expert witnesses not later than **August 7, 2018**, provided that the disclosing party then provides all of the information described in [Fed. R. Civ. P. 26\(a\)\(2\)](#) and makes the expert witness available for deposition prior to the date set for completion of depositions. Supplementation of these disclosures, if originally made prior to these deadlines, shall be made on these deadlines as to any information for which supplementation is addressed in [Fed. R. Civ. P. 26\(e\)](#). The testimony of the expert at trial shall be limited to the information disclosed in accordance with this paragraph.

4. Motions in limine challenging the admissibility of expert testimony at trial under [Fed. R. Evid. 702](#), *see Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999), and *Daubert v. Merrell-Dow Pharmaceuticals*, 509 U.S. 579 (1993), shall be filed by **October 30, 2018**, and accompanied by a request for a hearing if necessary. Failure to timely move for a hearing may constitute waiver of the request for a hearing.

5. The remaining deadlines set forth in the Court's earlier Order Setting Final Progression of Case ([Filing No. 29](#)), including the Pretrial and Trial dates, remain unchanged.

Dated this 3<sup>rd</sup> day of July, 2018.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge